

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	File Nos.: EB-09-SE-116
	)	EB-10-SE-026
Cellco Partnership d/b/a Verizon Wireless	)	
	)	Acct. No.: 201232100025
And its Subsidiaries	)	
	)	FRNs: 0003579406
GTE Mobilnet of South Texas	)	0003293941
Limited Partnership, and	)	0018506568
	)	
GTE Mobilnet of Texas RSA #17	)	
Limited Partnership	)	

**ORDER**

**Adopted: June 28, 2012**

**Released: June 28, 2012**

By the Chief, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission) and Cellco Partnership d/b/a Verizon Wireless, on behalf of itself and its subsidiaries, GTE Mobilnet of South Texas Limited Partnership and GTE Mobilnet of Texas RSA #17 Limited Partnership (collectively, Verizon Wireless). The Consent Decree resolves and terminates the Bureau's investigations into possible violations of Section 301 of the Communications Act of 1934, as amended (Act),<sup>1</sup> and Section 1.903(a) of the Commission's rules (Rules),<sup>2</sup> pertaining to the apparent unauthorized operation of certain common carriage fixed point-to-point microwave radio frequencies, and Sections 1.929(b) and 1.947(a) and (b) of the Rules,<sup>3</sup> pertaining to the timely filing of applications to modify a carrier's Cellular Geographic Service Area.

2. The Bureau and Verizon Wireless have negotiated a Consent Decree that resolves these matters. A copy of the Consent Decree is attached hereto and incorporated herein by reference.

3. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the investigations.

4. In the absence of material new evidence relating to these matters, we conclude that our investigations raise no substantial or material questions of fact as to whether Verizon Wireless possesses the basic qualifications, including those related to character, to hold or obtain any Commission license or authorization.

<sup>1</sup> 47 U.S.C. § 301.

<sup>2</sup> 47 C.F.R. § 1.903(a).

<sup>3</sup> *Id.* §§ 1.929(b), 1.947(a) – (b).

5. Accordingly, **IT IS ORDERED** that, pursuant to Section 4(i) of the Act,<sup>4</sup> and Sections 0.111 and 0.311 of the Rules,<sup>5</sup> the Consent Decree attached to this Order **IS ADOPTED**.

6. **IT IS FURTHER ORDERED** that the above-captioned investigations **ARE TERMINATED**.

7. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to John T. Scott, Vice President and Deputy General Counsel – Regulatory Law, Legal & External Affairs Department, Verizon Wireless, 1300 I Street, N.W., Suite 400-W, Washington, D.C. 20005, as well as to David H. Solomon, Esq., counsel for Verizon Wireless, Wilkinson Barker Knauer, LLP, 2300 N Street, N.W., Suite 700, Washington, D.C. 20037.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison  
Chief, Enforcement Bureau

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<sup>4</sup> 47 U.S.C. § 154(i).

<sup>5</sup> 47 C.F.R. §§ 0.111, 0.311.

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GTE Mobilnet of Texas RSA #17	)	0018506568
Limited Partnership	)	

**CONSENT DECREE**

The Enforcement Bureau of the Federal Communications Commission and Cellco Partnership d/b/a Verizon Wireless, on behalf of itself and its subsidiaries GTE Mobilnet of South Texas Limited Partnership and GTE Mobilnet of Texas RSA #17 Limited Partnership, by their respective authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Enforcement Bureau's investigations into possible violations of Section 301 of the Communications Act of 1934, as amended,<sup>1</sup> and Section 1.903(a) of the Commission's rules,<sup>2</sup> pertaining to the apparent use of certain unauthorized common carriage fixed point-to-point microwave radio frequencies, and Sections 1.929(b) and 1.947(a) and (b) of the rules,<sup>3</sup> pertaining to the timely filing of applications to modify a carrier's Cellular Geographic Service Area.

**I. DEFINITIONS**

1. For the purposes of this Consent Decree, the following definitions shall apply:
  - (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. §§ 151 *et seq.*
  - (b) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
  - (c) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.
  - (d) "Cellular Geographic Service Area" or "CGSA" is the geographic area considered by the FCC to be served by a cellular system, and within which a cellular system is entitled to protection from interference.<sup>4</sup>

<sup>1</sup> 47 U.S.C. § 301.

<sup>2</sup> 47 C.F.R. § 1.903(a).

<sup>3</sup> *Id.* §§ 1.929(b), 1.947(a).

<sup>4</sup> *See id.* § 22.911.

- (e) “CGSA Investigation” means the investigation commenced by the Bureau’s June 11, 2009 letter of inquiry<sup>5</sup> pertaining to possible violations of the CGSA Modification Rules.
- (f) “CGSA Modification Rules” means Sections 1.929(b), 1.947(a) and (b), and 22.911 of the Rules and other Communications Laws governing the filing of applications to modify a licensee’s cellular geographic service area.
- (g) “Commission” and “FCC” mean the Federal Communications Commission and all of its bureaus and offices.
- (h) “Communications Laws” means collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which Verizon Wireless is subject by virtue of its business activities, including but not limited to, the Licensing Rules and the CGSA Modification Rules.
- (i) “Compliance Plan” means the compliance obligations and compliance program described in this Consent Decree at paragraph 13 hereof.
- (j) “Covered Employees” means, collectively, Covered Licensing Employees and Covered Service Area Employees.
- (k) “Covered Licensing Employees” means all employees and agents of Verizon Wireless who perform duties, or supervise, oversee, or manage the performance of duties that relate to GTE’s responsibilities under the Licensing Rules.
- (l) “Covered Service Area Employees” means all employees and agents of Verizon Wireless who perform duties, or supervise, oversee, or manage the performance of duties that relate to Verizon Wireless’s responsibilities under the CGSA Modification Rules, but excludes those employees or agents of Verizon Wireless who perform construction or similar tasks related to the physical maintenance of Verizon Wireless’s common carriage network.
- (m) “Effective Date” means the date on which the Bureau releases the Adopting Order.
- (n) “GTE” means GTE Mobilnet of South Texas Limited Partnership and GTE Mobilnet of Texas RSA #17 Limited Partnership, collectively, which operate exclusively in portions of Mississippi, Louisiana, and Texas.
- (o) “Investigations” means the CGSA Investigation and the Unauthorized Operation Investigation.
- (p) “Licensing Rules” means, collectively, Section 1.903(a) of the Rules and other Communications Laws that prohibit the use or operation of a wireless radio

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<sup>5</sup> See Letter from Katherine S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications, to John T. Scott, Vice President and Deputy General Counsel – Regulatory Law, Verizon Wireless (June 11, 2009) (CGSA Modification LOI).

station without a valid authorization or in a manner inconsistent with such authorization.

- (q) “Parties” means Verizon Wireless and the Bureau, each of which is a “Party”.
- (r) “Operating Procedures” means the standard, internal operating procedures and policies used by Verizon Wireless to ensure that the Company complies with the Licensing Rules and CGSA Modification Rules.
- (s) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (t) “Unauthorized Operation Investigation” means the investigation commenced by the Bureau’s July 7, 2010 letter of inquiry<sup>6</sup> pertaining to possible violations of the Licensing Rules through the use of certain unauthorized frequencies.
- (u) “Verizon Wireless” or “Company” means Cellco Partnership d/b/a Verizon Wireless, and each of its affiliates and subsidiaries, including GTE.

## II. BACKGROUND

### A. Licensing Rules

2. Section 301 of the Act<sup>7</sup> and Section 1.903(a) of the Rules<sup>8</sup> prohibit the use or operation of any apparatus for the transmission of energy or communications or signals by wireless radio stations except under and in accordance with an authorization granted by the Commission.

3. GTE holds licenses for the operation of six inter-linked, common carriage fixed point-to-point microwave stations with the following call signs: (1) WQJH882 (Dixon, Texas); (2) WQJH999 (East Bernard, Texas); (3) WQJH883 (Fulshear, Texas); (4) WQJE868 (Pin Oak, Texas); (5) WLL644 (Rosenberg, Texas); and (6) WQJF666 (Wallis, Texas).<sup>9</sup> On August 25, 2008, the Commission granted GTE Special Temporary Authority (STA) to operate four of its common carriage fixed point-to-point microwave stations on 18 modified frequencies.<sup>10</sup> However, on January 20, 2009, GTE filed applications to cancel these STAs, which were granted by the Broadband Division of the Wireless

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<sup>6</sup> See Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to Sonya R. Dutton, Supervisor, Network Compliance, GTE Mobilnet of South Texas Limited Partnership (July 7, 2010) (Unauthorized Operation LOI).

<sup>7</sup> 47 U.S.C. § 301.

<sup>8</sup> 47 C.F.R. § 1.903(a).

<sup>9</sup> See File Nos. 0003484842 (filed June 24, 2008, amended Aug. 8, 2008, granted Sept. 16, 2008); 0003538071 (filed Aug. 8, 2008, granted Sept. 17, 2008); 0003484837 (filed June 24, 2008, amended Aug. 8, 2008, granted Sept. 16, 2008); 0003484805 (filed June 24, 2008, granted Aug. 14, 2008); 0003435432 (filed May 13, 2008, amended June 24, 2008, granted Aug. 5, 2008); and 0003484849 (filed June 24, 2008, amended Aug. 20, 2008, granted Aug. 21, 2008). All of the stations are licensed to GTE Mobilnet of South Texas Limited Partnership with the exception of WQJH999, which is licensed to GTE Mobilnet of Texas RSA #17 Limited Partnership.

<sup>10</sup> See File Nos. 0003555737, 0003555738, 0003555757, and 0003555758 (filed Aug. 20, 2008, granted Aug. 25, 2008); Special Temporary Authorizations, call signs WQJF906 (Pin Oak), WQJF907 (Fulshear), WQJF908 (Wallis), and WQJF909 (Dixon).

Telecommunications Bureau on January 21, 2009.<sup>11</sup> On November 20, 2009, GTE filed applications to modify each of its six common carriage fixed point-to-point microwave stations to add or change frequencies, including those frequencies previously authorized in the cancelled STAs.<sup>12</sup> GTE included in each of its applications a waiver request seeking retroactive authority to use the proposed frequencies and to obtain conditional operating authority going forward pending grant of the modification applications.<sup>13</sup> On March 4-5, 2010, the Broadband Division granted GTE's modification applications without prejudice to future enforcement action and denied GTE's waiver requests.<sup>14</sup> The Wireless Telecommunications Bureau subsequently referred this matter to the Bureau for investigation and possible enforcement action.

4. On July 7, 2010, the Bureau's Spectrum Enforcement Division (Division) issued the Unauthorized Operation LOI to GTE.<sup>15</sup> The Unauthorized Operation LOI directed GTE to respond to a series of questions regarding its apparent use of certain unauthorized frequencies. Verizon Wireless responded to the Unauthorized Operation LOI on behalf of GTE on August 6, 2010.<sup>16</sup> The Bureau sought additional information on February 14, 2011, to which Verizon Wireless responded on February 18, 2011.<sup>17</sup> The Bureau and Verizon Wireless entered into tolling agreements to toll the statute of limitations.<sup>18</sup>

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<sup>11</sup> See File Nos. 0003708126, 0003708131, 0003708135, and 0003708140 (filed Jan. 20, 2009, granted Jan. 21, 2009).

<sup>12</sup> See File Nos. 0004040679 (filed Nov. 20, 2009, granted Mar. 5, 2010); 0004040687 (filed Nov. 20, 2009, granted Mar. 4, 2010); 0004040680 (filed Nov. 20, 2009, granted Mar. 5, 2010); 0004040681 (filed Nov. 20, 2009, granted Mar. 5, 2010); 0004040682 (filed Nov. 20, 2009, granted Mar. 5, 2010); and 0004040683 (filed Nov. 20, 2009, granted Mar. 5, 2010).

<sup>13</sup> See *id.*, Requests for Waiver.

<sup>14</sup> See *supra* note 12. See also Wireless Telecommunications Bureau Site-By-Site Action, Report No. 5704, *Public Notice*, at 4-5 (Mar. 10, 2010). On January 19, 2012, GTE filed a major change application to modify the license for station WQJH883 to correct the polarization of frequency 6063.8 MHz on path number 2. See File No. 0005034155 (filed Jan. 18, 2012) (WQJH883 Application). GTE stated in the WQJH883 Application that, due to "administrative error," the November 20, 2009 major change application for station WQJH883 (File No. 0004040680) incorrectly specified horizontal polarization for the proposed link when in fact GTE had coordinated and deployed the proposed link using vertical polarization. *Id.* at Exhibit A. Simultaneously with the filing of the Application, GTE voluntarily disclosed the matter to the Bureau.

<sup>15</sup> See *supra* note 6.

<sup>16</sup> See Letter from David H. Solomon, Esq., counsel for GTE Mobilnet of South Texas Limited Partnership and GTE Mobilnet of Texas RSA #17 Limited Partnership, wholly owned subsidiaries of Cellco Partnership d/b/a Verizon Wireless, Wilkinson Barker Knauer, LLP, to Nissa Laughner, Esq., Attorney Advisor, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (Aug. 6, 2010).

<sup>17</sup> See Letter from David H. Solomon, Esq., counsel for GTE Mobilnet of South Texas Limited Partnership and GTE Mobilnet of Texas RSA #17 Limited Partnership, wholly owned subsidiaries of Cellco Partnership d/b/a Verizon Wireless, Wilkinson Barker Knauer, LLP, to Daudeline Meme, Assistant Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (Feb. 18, 2011).

<sup>18</sup> See, e.g., Tolling Agreement Extension, File No. EB-10-SE-026, executed by and between John D. Poutasse, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, and David H. Solomon, counsel for GTE Mobilnet of South Texas Limited Partnership and GTE Mobilnet of Texas RSA #17 Limited Partnership, wholly owned subsidiaries of Cellco Partnership d/b/a Verizon Wireless (Apr. 30, 2012).

**B. Cellular Geographic Service Area Modification Rules**

5. Sections 1.929(b) and 1.947(a) of the Commission's Rules provide that licensees proposing network modifications that would expand the cellular geographic service area (CGSA) of an existing cellular system are classified as major change applications necessitating prior Commission approval.<sup>19</sup> Under Sections 1.929(k) and 1.947(b) of the Rules, network modifications that would reduce a cellular system's CGSA are classified as minor change applications, and a licensee implementing such system modifications must file a minor change notification within thirty days of making any such change.<sup>20</sup> In the *2000 Biennial Review Reconsideration Order*,<sup>21</sup> the Commission adopted the "secondary operations policy", which permits cellular licensees to "extend into adjacent unserved area[s] of less than 50 square miles without prior approval by the Commission, and without first undergoing the major modification process."<sup>22</sup> Licensees are required to notify the Commission of such extensions.<sup>23</sup>

6. In 2008 and 2009, Verizon Wireless filed certain major change applications and minor change notifications (collectively, the Applications), generally in connection with the sunset of the Commission's cellular analog service requirement.<sup>24</sup> As a result of the analog sunset, Verizon Wireless, for the first time, used digital operations (reflecting pre-analog sunset digital overbuilds) as the basis for depicting CGSA boundaries, resulting in various deviations from its analog-defined service boundaries. In June 2009, the Mobility Division of the Wireless Telecommunications Bureau granted certain of the Applications without prejudice to future enforcement action. The Wireless Telecommunications Bureau referred this matter to the Bureau for investigation and possible enforcement action.

7. On June 11, 2009, the Division issued the CGSA Modification LOI to Verizon Wireless, directing the company to submit a sworn written response to a series of questions relating to the Applications.<sup>25</sup> Verizon Wireless responded to the CGSA Modification LOI on August 20, 2009.<sup>26</sup> On September 20, 2011, the Bureau issued Verizon Wireless a second letter of inquiry,<sup>27</sup> to which Verizon

<sup>19</sup> See 47 C.F.R. §§ 1.929(b), 1.947(a).

<sup>20</sup> See 47 C.F.R. §§ 1.929(k), 1.947(b).

<sup>21</sup> See *Year 2000 Biennial Review – Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and Other Commercial Mobile Radio Services*, Order on Reconsideration, 19 FCC Rcd 3239 (2004) (*2000 Biennial Review Reconsideration Order*).

<sup>22</sup> *Id.* at 3256–3257, para. 41.

<sup>23</sup> *Id.*

<sup>24</sup> *Sunset of the Cellular Radiotelephone Service Analog Service Requirement and Related Matters*, Memorandum Opinion and Order, 22 FCC Rcd 11243 (2007) (*Analog Sunset MO&O*). The Commission recognized that the analog sunset would force some carriers that were converting to digital technology "to unnecessarily reconfigure their digital sites or make alternative CGSA showings simply to maintain the interference protection associated with their analog-determined CGSAs." *Id.* at 11267, para. 49. The Commission therefore permitted licensees, "in lieu of making a revised CGSA showing, to certify that the discontinuance of [analog] service will not result in any loss of wireless coverage throughout the carrier's CGSA." Licensees that could not so certify were required to file a revised CGSA determination. *Id.*

<sup>25</sup> See *supra* note 5.

<sup>26</sup> See Letter from David H. Solomon, Esq., counsel for Verizon Wireless, Wilkinson Barker Knauer, LLP, to Marlene H. Dortch, Secretary, Federal Communications Commission (Aug. 20, 2009).

<sup>27</sup> See Letter from John D. Poutasse, Acting Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to John T. Scott, Vice President and Deputy General Counsel – Regulatory Law, Verizon Wireless (Sept. 20, 2011).



Wireless responded on October 20, 2011.<sup>28</sup> The Bureau and Verizon Wireless entered into tolling agreements to toll the statute of limitations.<sup>29</sup>

8. We note that the Commission is currently considering whether to alter its site-based licensing framework. On February 15, 2012, the Commission issued a Notice of Proposed Rulemaking and Order proposing to transition the existing site-based licensing model for the Cellular Radiotelephone Service (Cellular) to a geographic-based approach, which would generally authorize construction within a particular geographic boundary (subject to certain interference protection and other technical requirements) and would not entail applications for prior Commission approval of specific transmitter locations.<sup>30</sup> The Commission also adopted an immediate freeze on the filing of certain Cellular applications claiming “Unserved Area” in “Covered” Cellular Market Area (CMA) Blocks, including new-system Cellular licenses and major modifications to expand existing systems if claiming an Unserved Area that is not contiguous to the existing CGSA.<sup>31</sup>

### III. TERMS OF AGREEMENT

9. **Adopting Order.** The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order.

10. **Jurisdiction.** Verizon Wireless agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and that the Bureau has the authority to enter into and adopt this Consent Decree.

11. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission. Any violation of the Adopting Order or of the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to the enforcement of a Commission order.

12. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigations. In consideration for the termination of the Investigations, Verizon Wireless agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that in the absence of new material evidence, the Bureau will not use the facts developed in the Investigations

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<sup>28</sup> See Letter from David H. Solomon, Esq., counsel for Verizon Wireless, Wilkinson Barker Knauer, LLP, to Kathy Harvey, Esq., Attorney Advisor, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (Oct. 20, 2011).

<sup>29</sup> See, e.g., Tolling Agreement Extension, File No. EB-09-SE-116, executed by and between John D. Poutasse, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, and David H. Solomon, Esq., counsel for Verizon Wireless (Apr. 30, 2012).

<sup>30</sup> See *Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area; Amendment of the Commission's Rules with Regard to Relocation of Part 24 to Part 2; Interim Restrictions and Procedures for Cellular Service Applications*, WT Docket No. 12-40, Notice of Proposed Rulemaking and Order, 27 FCC Rcd 1745 (2012). Specifically, the Commission proposed to issue geographic-area “Overlay Licenses” through competitive bidding, in two stages. *Id.* at 1746, para. 2.

<sup>31</sup> *Id.* at 1771-1774, paras. 67-75.



through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any new proceeding, formal or informal, or take any action on its own motion against Verizon Wireless concerning the matters that were the subject of the Investigations. The Bureau also agrees that in the absence of new material evidence it will not use the facts developed in the Investigations through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or take any action on its own motion against Verizon Wireless with respect to Verizon Wireless's basic qualifications, including its character qualifications, to be a Commission licensee or to hold Commission licenses or authorizations.

13. **Compliance Plan.** For purposes of settling the matters set forth herein and based on the special facts and circumstances presented in this case, the Parties agree to the following compliance provisions. Specifically, Verizon Wireless: (i) agrees to implement within sixty (60) calendar days after the Effective Date a Compliance Plan relating to GTE's future compliance with the Licensing Rules, and to Verizon Wireless's future compliance with the CGSA Modification Rules; and (ii) represents that it has one or more management employees in each of its business units who has responsibility for compliance with each of the Communications Laws that are relevant to its operations, that there are at least twenty (20) such management employees, and that, collectively, these management employees exercise responsibility for the Company's compliance with all of the Communications Laws that are relevant to the operations of the Company. The Company agrees that it will either maintain this compliance structure, or, if it makes changes, shall ensure that it maintains equivalent management oversight over compliance with all Communications Laws that are applicable to the operations of the Company. The Compliance Plan will include, at a minimum, the following components:

- (a) **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, Verizon Wireless shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as Compliance Officer and to discharge the duties set forth below. The person designated as the Compliance Officer shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that Verizon Wireless complies with the terms and conditions of the Compliance Plan and this Consent Decree. The Compliance Officer shall have specific knowledge of the Licensing Rules and the CGSA Modification Rules prior to assuming his/her duties.
- (b) **Operating Procedures and Compliance Manual.** Within sixty (60) calendar days after the Effective Date, Verizon Wireless shall review and augment its existing Operating Procedures on compliance with the Licensing Rules (Licensing Operating Procedures) and the CGSA Modification Rules (CGSA Operating Procedures).<sup>32</sup>
  - (i) Verizon Wireless's Licensing Operating Procedures shall explain the Licensing Rules and set forth the procedures that all Covered Licensing Employees must follow to help ensure GTE's compliance with the Licensing Rules, including internal procedures and policies specifically designed to ensure that GTE

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<sup>32</sup> Verizon Wireless represents that it maintains written Operating Procedures on the Licensing Rules and CGSA Modification Rules and that these documents provide guidance on standard operating procedures with which Covered Employees must comply, include a detailed explanation of Verizon Wireless's obligations under the Licensing Rules and the CGSA Modification Rules, and outline general principles of business conduct in connection with Verizon Wireless's compliance with these rules.

does not commence operation of a wireless radio station without a valid authorization and does not operate such station in a manner inconsistent with such authorization. Verizon Wireless shall distribute the Licensing Operating Procedures to all Covered Licensing Employees within sixty (60) calendar days after the Effective Date.

- (ii) Verizon Wireless's CGSA Operating Procedures shall explain the CGSA Modification Rules and set forth the procedures that all Covered Service Area Employees must follow to help ensure Verizon Wireless's compliance with the CGSA Modification Rules, which shall include internal procedures and policies specifically designed to ensure that all applications and notifications filed by Verizon Wireless with respect to the modification of a CGSA are timely filed in accordance with the CGSA Modification Rules. Verizon Wireless shall distribute the CGSA Operating Procedures to all Covered Service Area Employees within sixty (60) calendar days after the Effective Date.
  - (iii) Verizon Wireless shall periodically review and revise its Operating Procedures as necessary to ensure that the information set forth therein remains current and complete, and shall distribute any revisions to the Operating Procedures promptly to all applicable Covered Employees.
- (c) **Compliance Training.** Verizon Wireless shall establish and implement a Compliance Training Program: (i) for Covered Licensing Employees on compliance with the Licensing Rules and the Licensing Operating Procedures; and (ii) for Covered Service Area Employees on compliance with the CGSA Modification Rules and the CGSA Operating Procedures. As part of the Compliance Training Program, Covered Employees shall be advised of Verizon Wireless's obligation to report noncompliance under paragraph 14 of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall be trained pursuant to the Training Program within ninety (90) calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after the Effective Date shall be trained within thirty (30) calendar days after the date such person becomes a Covered Employee. Verizon Wireless shall repeat the compliance training on an annual basis, and shall periodically review and revise the Compliance Training Program as necessary to ensure that it remains current and complete and to enhance its effectiveness.
- (d) **Termination Date.** Unless stated otherwise, the requirements of this paragraph 13 of the Consent Decree shall expire twenty-four (24) months after the Effective Date.

14. **Reporting Noncompliance.** Verizon Wireless shall report any noncompliance with the Licensing Rules by GTE, and any noncompliance with the terms and conditions of this Consent Decree by Verizon Wireless within fifteen (15) calendar days after the discovery of such noncompliance. Such

reports shall include a detailed explanation of: (i) each instance of noncompliance; (ii) the steps that Verizon Wireless has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that Verizon Wireless has taken or will take to prevent the recurrence of any such noncompliance. All such reports of noncompliance shall be submitted to the Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 3-C366, Washington, D.C. 20554, with a copy submitted electronically to Nissa Laughner at Nissa.Laughner@fcc.gov, Kathy Harvey at Kathy.Harvey@fcc.gov, JoAnn Lucanik at JoAnn.Lucanik@fcc.gov, and Daudeline Meme at Daudeline.Meme@fcc.gov. The reporting obligations set forth in this paragraph 14 shall expire twenty-four (24) months after the Effective Date.

15. **Compliance Reports.** Verizon Wireless shall file Compliance Reports with the Commission ninety (90) calendar days after the Effective Date, twelve (12) months after the Effective Date, and twenty-four (24) months after the Effective Date.

- (a) Each compliance report shall include a detailed description of Verizon Wireless's efforts during the relevant period to comply with: (i) the Licensing Rules as applicable to GTE; (ii) the CGSA Modification Rules; and (iii) the terms and conditions of this Consent Decree. In addition, each Compliance Report shall include a certification by the Compliance Officer, as agent of and on behalf of Verizon Wireless, stating that the Compliance Officer has personal knowledge that Verizon Wireless: (i) has established and implemented the Compliance Plan; (ii) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 14 hereof.
- (b) The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with Section 1.16 of the Rules<sup>33</sup> and be subscribed to as true under penalty of perjury in substantially the form set forth therein.
- (c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of Verizon Wireless, shall provide the Commission with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that Verizon Wireless has taken or will take to remedy such noncompliance, including the schedule on which proposed remedial actions will be taken; and (iii) the steps that Verizon Wireless has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
- (d) All Compliance Reports shall be submitted to the Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 3-C366, Washington, D.C. 20554, with a copy submitted electronically to Nissa Laughner at Nissa.Laughner@fcc.gov, Kathy Harvey at Kathy.Harvey@fcc.gov, JoAnn

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<sup>33</sup> 47 C.F.R. § 1.16.

Lucanik at JoAnn.Lucanik@fcc.gov, and Daudeline Meme at Daudeline.Meme@fcc.gov.

16. **Section 208 Complaints; Subsequent Investigations.** Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints filed pursuant to Section 208 of the Act against Verizon Wireless for alleged violations of the Act, or for any other type of alleged misconduct, regardless of when such misconduct took place. The Commission's adjudication of any such complaints will be based solely on the record developed in that proceeding. Except as expressly provided in this Consent Decree, this Consent Decree shall not prevent the Commission from investigating new evidence of noncompliance by Verizon Wireless with the Communications Laws.

17. **Voluntary Contribution.** Verizon Wireless agrees that it will make a voluntary contribution to the United States Treasury in the amount of one hundred sixty-five thousand dollars (\$165,000). The payment must be made within thirty (30) calendar days after the Effective Date. The payment must be made by check or similar instrument, wire transfer, or credit card and must include the Account Number and FRN referenced in the caption to the Adopting Order. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must also be submitted. An FCC Form 159 may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>. When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000 or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. Payment by credit card may be made by providing the required credit card information on FCC Form 159 and signing and dating the form to authorize the credit card payment. Verizon Wireless must also send electronic notification to Nissa Laughner at Nissa.Laughner@fcc.gov, Kathy Harvey at Kathy.Harvey@fcc.gov, JoAnn Lucanik at JoAnn.Lucanik@fcc.gov, Daudeline Meme at Daudeline.Meme@fcc.gov, and Samantha Peoples at Sam.Peoples@fcc.gov on the date said payment is made.

18. **Waivers.** Verizon Wireless waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided the Bureau issues an Adopting Order as defined herein. Verizon Wireless shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If any Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, Verizon Wireless and the Commission shall not contest the validity of the Consent Decree or of the Adopting Order, and Verizon Wireless shall waive any statutory right to a trial *de novo*. Verizon Wireless hereby agrees to waive any claims it may have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree.

19. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

20. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Verizon Wireless does not expressly consent), that provision will be superseded by such Rule or Commission order.

21. **Successors and Assigns.** Verizon Wireless agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

22. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigations. The Parties further agree that this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding or determination regarding any compliance or noncompliance with the Communications Laws.

23. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

24. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

25. **Authorized Representative.** The individual signing this Consent Decree on behalf of Verizon Wireless represents and warrants that he is authorized by Verizon Wireless to execute this Consent Decree and to bind Verizon Wireless to the obligations set forth herein. The FCC signatory represents that she is signing this Consent Decree in her official capacity and that she is authorized to execute this Consent Decree.

26. **Counterparts.** This Consent Decree may be signed in any number of counterparts (including by facsimile), each of which, when executed and delivered, shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.

\_\_\_\_\_  
P. Michele Ellison  
Chief  
Enforcement Bureau

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Date

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John T. Scott, III  
Vice President and Deputy General Counsel  
Verizon

\_\_\_\_\_  
Date